

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**BRUCE KEMPTON,**

**Plaintiff,**

**vs.**

**Case No.: 2:13-cv-719  
JUDGE GEORGE C. SMITH  
Magistrate Judge Abel**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

**ORDER**

On June 5, 2014, the United States Magistrate Judge issued a *Report and Recommendation* finding that there is substantial evidence supporting the Administrative Law Judge's decision denying benefits and recommending that the decision of the Commissioner of Social Security be affirmed. (*Report and Recommendation*, Doc. No. 23). This matter is now before the Court on Plaintiff Bruce Kempton's Objections to the *Report and Recommendation*. (*Objection*, Doc. No. 24). The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present, once again, the issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Specifically, Plaintiff objects to the Magistrate Judge's findings that the Administrative Law Judge appropriately applied *Drummond v. Commissioner of Social Security*, 126 F.3d 837 (6th Cir. 1997); that he based his residual

functional capacity finding on substantial evidence, and that he did not err in refusing to grant controlling or great weight to Dr. Provaznik, Plaintiff's treating physician.

The Court has carefully considered Plaintiff's objections, and for the reasons stated in the *Report and Recommendation*, this Court finds that the objections are without merit.

The *Report and Recommendation*, Doc. No. 23, is **ADOPTED** and **AFFIRMED**.  
Plaintiff's Objections are hereby overruled.

The Clerk shall remove Document 23 from the Court's pending motions list.

The Clerk shall enter final judgment in favor of Defendant, the Commissioner of Social Security, and close this case.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**